



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

Sw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/087,977	03/05/2002	David D. Rowley	23415-014	9574
29315	7590	10/27/2004		
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190				
EXAMINER ROVNAK, JOHN EDMUND				
ART UNIT			PAPER NUMBER	
3714				

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Interview Summary

Application No.

10/087,977

Applicant(s)

ROWLEY ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

All participants (applicant, applicant's representative, PTO personnel):

(1) Chanda L. Harris.

(3) Ben Esplin.

(2) Sean Ingram.

(4) \_\_\_\_\_.

Date of Interview: 10/12/04.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Harned et al. (US 6,594,466).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: We discussed proposed changes to Claim 1. Examiner suggested defining virtual machine to read over the modules in Col.5: 11-17. Applicant proposed defining to include that the virtual machines run an operating system. Applicant will respond in due course to the last office action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Chanda L. Harris  
Examiner's signature, if required

**Proposed Claim Amendment and Arguments  
Application No. 10/087977  
Attorney Docket No. 23415-014 (62070-0311779)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S) : David D. ROWLEY                      CONFIRMATION No.: 9574  
SERIAL NUMBER : 10/087,977                              EXAMINER : Chandra Harris  
FILING DATE : March 5, 2002                              ART UNIT : 3714  
FOR : SYSTEM AND METHOD FOR EVALUATING A PERSON'S INFORMATION  
TECHNOLOGY SKILLS

**DO NOT ENTER**

**PROPOSED CLAIM AMENDMENT AND AGENDA**  
**FOR EXAMINER INTERVIEW**

This correspondence is intended for the Examiner's use only, and should not be entered as part of the Official Record.

A proposed claim amendment for claim 1 is reflected on page 2 of this paper.

Proposed arguments regarding the patentability of the proposed claim amendment of claim 1 begins on page 3 of this paper.

A copy of form PTOL-413A (Applicant Initiated Interview Request Form) is attached herewith as **APPENDIX A**. This is a copy of the form PTOL-413A that has been faxed to the fax number for official communication for entry into the Official Record.

**Proposed Claim Amendment and Arguments**  
**Application No. 10/087977**  
**Attorney Docket No. 23415-014 (62070-0311779)**

**PROPOSED AMENDMENT TO CLAIM 1**

1. *(Currently Amended)* A computer implemented method for evaluating a user's information technology skills by having the user complete an examination comprising:
- presenting one or more examination items to the user, wherein the examination items include a practical exercise and at least one of a multiple choice question and an essay question;  
~~associating~~ selecting one or more virtual machines associated with the practical exercise from a plurality of virtual machines;
  - displaying to the user information that is associated with the practical exercise, wherein the information describes a task that the user is instructed to complete, and wherein the user uses one or more of the virtual machines to complete the task; and
  - launching the one or more virtual machines so that the user can use the virtual machines to perform the task.

**Proposed Claim Amendment and Arguments**  
**Application No. 10/087977**  
**Attorney Docket No. 23415-014 (62070-0311779)**

**PROPOSED ARGUMENTS**

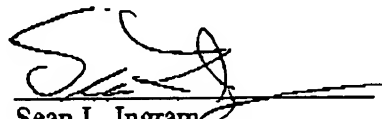
Claim 1, if amended as proposed above, would recite selecting one or more virtual machines associated with the practical exercise from a plurality of virtual machines, among other things.

In contrast, Harned appears to disclose a training system running in a virtual machine provided in target software (see Harned at col. 3, lines 55-57). Harned does not teach or disclose selecting one or more virtual machines associated with the practical exercise from a plurality of virtual machines. Thus, Harned does not anticipate claim 1 as set forth above.

Applicants thank the Examiner for reviewing the proposed amendment to claim 1, and corresponding proposed arguments. In the interest of scheduling a personal interview to discuss the foregoing, the Examiner is invited to telephone the undersigned at the number provided.

Dated: October 6, 2004

Respectfully submitted,



Sean L. Ingram  
Registration No.: 48,283  
PILLSBURY WINTHROP LLP  
1600 Tysons Blvd.  
McLean, Virginia 22102  
703-905-2107

# APPENDIX A

APPENDIX.doc

**COPY**

PTOL-413A (09-04)  
 Approved for use through 07/31/2006 OMB 0851-0031  
 U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

**Applicant Initiated Interview Request Form**

Application No.: 10/087,977  
 Examiner: Chandra Harris

First Named Applicant: David D. Rowley  
 Art Unit: 3714 Status of Application: Rejected

**Tentative Participants:**

(1) Sean L. Ingram (2) D. Ben Esplin

(3) Chandra Harris

Proposed Date of Interview: October 12, 2004

Proposed Time: 11:00 AM

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES

☒ NO

If yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art Harned	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1-30</u>	<u>Harned</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

**Brief Description of Arguments to be Presented:**

Harned does not disclose selecting one or more virtual machines from a plurality of virtual machines.

An interview was conducted on the above-identified application on \_\_\_\_\_

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Sean L. Ingram  
 Applicant/Applicant's Representative Signature

\_\_\_\_\_  
 Examiner/SPE Signature

Sean L. Ingram  
 Typed/Printed Name of Applicant or Representative  
 48,283

\_\_\_\_\_  
 Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PILLSBURY WINTHROP**

1600 TYSONS BOULEVARD MCLEAN, VA 22102 703.905.2000 F: 703.905.2500

**FACSIMILE**

Total Pages (including cover): 6

HOUSTON

Date: October 6, 2004

Must Be Sent By:

LONDON

To: Examiner Chandra Harris

Fax No. 703-746-3234

LOS ANGELES

NEW YORK

Company: USPTO

Phone No: 703-308-8358

NORTHERN VIRGINIA

ORANGE COUNTY

SACRAMENTO

From: Sean L. Ingram

Phone No: 703-905-2107

SAN DIEGO

User No: 15750

C/M No: 062070-0311779

SAN FRANCISCO

SILICON VALLEY

Comments:

SINGAPORE

STAMFORD

U.S. PATENT APPLICATION SERIAL NO. 10/087,977

SYDNEY

FOR EXAMINER USE ONLY. **NOT FOR ENTRY.**

TOKYO

WASHINGTON DC

**Confidentiality Note.**

The documents accompanying this facsimile transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us. Thank you

If you have not properly received this fax, please call (703) 905-2000. Thank you

Operator \_\_\_\_\_ Time Sent \_\_\_\_\_ Batch ID \_\_\_\_\_

30484887V1